

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VLADIMIR V. DORONIN,

Plaintiff,

v.

ALBERTO R. GONZALES, *et al.*,

Defendants.

No. C06-1140RSL

ORDER TO SHOW CAUSE
AND ORDER STRIKING
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court *sua sponte*. The complaint in the above-captioned matter was filed on August 11, 2006. In his complaint, plaintiff asserts claims against five defendants: (1) Alberto R. Gonzales, Attorney General; (2) Eduardo Aguirre, former director of United States Citizenship and Immigration Services ("USCIS"); (3) Jack W. Bennett, USCIS Seattle District Director; (4) Michael Chertoff, Secretary of Homeland Security; and (5) USCIS. Plaintiff, however, has not properly served defendants under Fed. R. Civ. P. 4.

Plaintiff's certificate of service states that plaintiff served defendants by presenting the "foregoing" complaint "to the Clerk of the Court for filing and uploading to the CM/ECF system" and "mailed [the complaint] by certified mail through United States Postal Service" to defendants. See Dkt. #2 (Certificate of Service). No reference is made to the summons in the certificate of service.

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1 Federal Rule of Civil Procedure 4(i) governs service of the United States, its agencies,
 2 corporations, officers, or employees. Under Rule 4(i)(2), "Service on an agency or corporation
 3 of the United States, or an officer or employee of the United States sued only in an official
 4 capacity," and "[s]ervice on an officer or employee of the United States sued in an individual
 5 capacity for acts or omissions occurring in connection with the performance of duties on behalf
 6 of the United States" must be effected, in part, "by serving the United States in the manner
 7 prescribed by Rule 4(i)(1)." Rule 4(i)(1), requires, among other things, that:

8 (1) Service upon the United States shall be effected (A) by delivering a copy of the
 9 summons and of the complaint to the United States attorney for the district in
 10 which the action is brought or to an assistant United States attorney or clerical
 11 employee designated by the United States attorney in a writing filed with the clerk
 of the court or by sending a copy of the summons and of the complaint by
 registered or certified mail addressed to the civil process clerk at the office of the
 United States attorney[.]

12 Under Fed. R. Civ. P. 4(m), "[i]f service of the summons and complaint is not made upon
 13 a defendant within 120 days after the filing of the complaint . . . the court, upon motion or on its
 14 own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that
 15 defendant . . . provided that if the plaintiff shows good cause for the failure, the court shall
 16 extend the time for service for an appropriate period."

17 Accordingly, because plaintiff has failed to show that defendants have been properly
 18 served pursuant to Fed. R. Civ. P. 4, plaintiff is hereby ORDERED to show cause why the
 19 complaint shall not be dismissed. Plaintiff shall file a responsive brief no later than February 9,
 20 2007. Additionally, plaintiff's motion for summary judgment filed on November 27, 2006 (Dkt.
 21 #8), is hereby STRICKEN pending resolution of the order to show cause.

22 DATED this 22nd day of January, 2007.

23 

24 Robert S. Lasnik
 25 United States District Judge

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